

ORDINANCE NO. 2002-27-CM

AN ORDINANCE TO AMEND THE SUBDIVISION ORDINANCE
OF TIPPECANOE COUNTY, NO. 79-31

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF TIPPECANOE COUNTY, INDIANA, THAT THE UNIFIED SUBIDVISION ORDINANCE, BEING A SEPARATE ORDINANCE AND NOT PART OF A UNIFIED COUNTY CODE IS HEREBY AMENDED AS FOLLOWS:

Section 1. Change TABLE OF CONTENTS listings 3.2 and 5.3, and add listings 3.6 and 5.13 to read:

3.2 Major and Minor Subdivisions: Sketch Plan Application Procedure
3.6 Rural Estate Subdivisions
Figure 4. Rural Estate Subdivision Approval Process
5.3 Roads
Table 1. Design Standards for Public Roads
5.13 Rural Estate Subdivisions

Section 2. Change all occurrences within the *Unified Subdivision Ordinance* of the phrase *principal use building* to read *primary use building*.

Section 3. Change **2.2**, WORDS AND TERMS DEFINED, of **SECTION 2**, DEFINITIONS, by adding definitions of “flag lot,” “non-tillable,” rural estate road,” “rural estate subdivision,” and “rural estate zone” to read as follows:

FLAG LOT. A piece of land meeting all definitional requirements for a lot or parcel, which is situated behind one or more lots or parcels having frontage on a public or private street. The “flag” portion contains the primary use building, meeting setback requirements from the designated front lot line. The “pole” portion fronts on a public or private street, is a minimum of 20-ft. wide and contains the driveway connecting the “flag” to the street.

NON-TILLABLE. Covered with brush or scattered trees with less than 50% canopy cover, or permanent pasture land with natural impediments (ditches, water channels, rocks, etc.) that deter use of the land for crop production.

RURAL ESTATE ROAD. A road built as part of a rural estate subdivision providing access to and/or through an RE zone, built to specific minimum standards found in the Unified Subdivision Ordinance. This road may be designated as either a private road to be maintained by a homeowners’ association, or a public street, dedicated to the public and accepted for public maintenance.

RURAL ESTATE SUBDIVISION. A unified rural residential development zoned RE, rural estate zone, or RE and FP. (The FP-zoned portion may include tilled land, and may make up portions of residential lots.) A rural estate subdivision shall be located more than ½-mile, measured radially, from the nearest sanitary sewer having unused capacity, or closer if sanitary sewer is impeded physically by a stream or ravine or similar barrier. More than 50% of its acreage is either:

- (1) wooded and untilled,
 - (2) non-tillable, or
 - (3) not mechanically harvested for at least 3 of the 5 years between 1997 and 2001,
- or a combination of any 2 or 3 of the 3 above conditions equaling more than 50%. A rural estate subdivision has a maximum density of no more than 1 dwelling unit per 2 acres, and a minimum residential lot area of 1 acre, exclusive of any outlot containing drainage easements and/or rural estate roads, and exclusive of any public street right-of-way.

RURAL ESTATE ZONE. A rural zone containing part or all of a rural estate subdivision, located more than ½-mile, measured radially, from the nearest sanitary sewer having unused capacity, or closer if sanitary sewer is impeded physically by a stream or ravine or similar barrier. More than 50% of the acreage of the rural estate subdivision of which it is a part is either:

- (1) wooded and untilled,
 - (2) non-tillable, or
 - (3) not mechanically harvested for at least 3 of the 5 years between 1997 and 2001,
- or a combination of any 2 or 3 of the 3 above conditions equaling more than 50%. A rural estate zone request includes no more than 12 residential lots, and shall include no FP-zoned lands; FP-zoned land cannot be rezoned.

Section 4. Change **2.2**, WORDS AND TERMS DEFINED, of **SECTION 2**, DEFINITIONS, by amending definitions of “primary use building,” building site,” “major subdivision,” “minor subdivision’ and “sketch plan,” to read as follows:

PRIMARY USE BUILDING. A building (including any other building attached in a substantial way, such as by a roof), in which the primary use of the lot or parcel is conducted. For single-family and two-family residential uses, it is the main dwelling or dwellings. For multi-family residential uses it is all dwelling units. Only one primary use building is permitted per lot or parcel. If multiple buildings on a lot or parcel are engaged in the same primary use, the building housing that use's operating or managing office is considered the primary use building; all others are considered accessory buildings. Where multiple primary use buildings occupy the same lot or

parcel, but are all operated or managed from the same building(s), the building(s) housing the managing office(s) shall be the primary use building(s), and all others shall be accessory to it (them), but only if these multiple use buildings are in single ownership. Also, an integrated center shall be considered a primary use building. The primary use building constructed on any qualifying lot, parcel or tract to which land has been added by Exemption B or E pursuant to the definition of subdivision, shall be located in whole or in part on the portion of that lot, parcel or tract from which it acquired its building site as defined in the Unified Subdivision Ordinance. No primary use building shall be located wholly on land included in an Exemption B or E transfer unless that transfer was recorded prior to the date this definition was amended.

BUILDING SITE. Any piece of land qualifying under both this ordinance and the Unified Zoning Ordinance for an Improvement Location Permit for a primary use building.

MAJOR SUBDIVISION. Any subdivision not classified as a minor or rural estate subdivision, including but not limited to subdivisions of five (5) or more lots, or any size subdivision requiring any new street or extension of the local governmental facilities, or the creation of any public improvements.

MINOR SUBDIVISION. Any subdivision not classified as rural estate of not more than four (4) lots, all with frontage on a perimeter street, or any further subdivision or resubdivision of a nonresidential development whose lots may or may not have frontage on a perimeter street which does not include any improvement to a public road, provided such subdivision activity involves neither the construction of any new street or road, nor the imposition of any adverse effect upon the use of the remainder of the land or adjoining property as determined by the Commission, and provided such activity conflicts with neither any provision or portion of the Comprehensive Plan, Official Map, or Unified Zoning Ordinance, nor any of the regulations set forth herein.

SKETCH PLAN. The initially submitted graphic representation of a proposed major or rural estate subdivision, drawn to approximate scale, either superimposed upon a print of a topographic survey, or presented in any other suitable graphic medium or form acceptable to the Commission; and, in the case of a minor subdivision, the drawing or drawings indicating the proposed manner of layout of the subdivision meeting the conditions of the subdivision ordinance to be submitted to the Commission for primary approval and prepared by a Registered Land Surveyor or Engineer.

Section 5. Change part (a) and the final paragraph of subsection (1) of 3.1, GENERAL PROCEDURE, of SECTION 3, SUBDIVISION APPLICATION PROCEDURES AND APPROVAL PROCESSES, to read:

- (1)

Classification of Land Divisions.

All land to be divided shall be categorized into one of three (3) main classes of land division indicated within this ordinance's definition of subdivision. These classes are:

(a)

subdivisions, major, minor and rural estate
- Before any permit shall be granted for a structure to be erected on land to be subdivided, the subdividing owner or his subdivision agent shall apply for and secure approval of the proposed subdivision in accordance with Section 3.6, or Section 3.2 and either Section 3.3 or Section 3.4 of this ordinance. Before any permit shall be granted for a structure to be erected on land to be parcelized, the land divider or his agent shall certify to the satisfaction of the Staff of the Commission that all requirements for parcelization have been met, as detailed in Section 3.5 of this ordinance.

Section 6. Change the last sentence of the first paragraph and all of the second paragraph of subsection (2) of 3.1, GENERAL PROCEDURE, of SECTION 3, SUBDIVISION APPLICATION PROCEDURES AND APPROVAL PROCESSES, to read:

- (2)

Discussion of Requirements.

... The distinction between major, minor and rural estate subdivision as defined in this ordinance, shall be made by the Staff when the applicant submits an application for sketch plan approval.
- However the further division of a parent tract from which four (4) lots or parcels eligible as principal use building sites have already been created (whether by minor subdivision, parcelization or a combination of both), shall be classified as a major subdivision, unless this further division is a rural estate subdivision, or exempt because the additional lots are ten (10) or more acres in size (Exemption A in the definition of subdivision), or because the lots have been created by order of a court (Exemption C). For purposes of this paragraph, a lot is "created" on the date of its recording.

Section 7. Change the title of 3.2, of SECTION 3, SUBDIVISION APPLICATION PROCEDURES AND APPROVAL PROCESSES, to read:

3.2 Major and Minor Subdivisions: Sketch Plan Application Procedure

Section 8. Add 3.6, RURAL ESTATE SUBDIVISIONS, to SECTION 3, SUBDIVISION APPLICATION PROCEDURES AND APPROVAL PROCESSES, to read:

- 3.6

Rural Estate Subdivisions

(1)

General Procedure.

The rural estate subdivision process begins with a required pre-submission meeting arranged by the subdivider with the Commission's Staff. At this meeting the subdivider provides the necessary materials and information for Staff to determine the feasibility of the proposal as a rural estate subdivision. Should Staff make a positive determination, the subdivider shall follow the procedures and be subject to the processes outlined in Figure 4, and detailed in this Section. The subdivider proceeds by filing a rural estate sketch plan application as provided in this ordinance along with the RE (Rural Estate) rezone petition, as provided in the Unified Zoning Ordinance. If the RE rezone is successful, the subdivider may then submit the preliminary plat to be heard by the Commission's Executive Committee for primary approval. Following approval of the construction plans for required public and private improvements, a final plat is submitted for secondary approval and recordation.

(2) **Pre-submission Meeting.**

Before submitting an application for rural estate sketch plan review, the subdivider shall arrange a meeting with the Commission's Staff, County Health Department, County Highway Department and County Surveyor (representing the County Drainage Board).

- (a) The subdivider shall bring to this meeting:
 - (i) Information about the location and distance from the nearest available sanitary sewer;
 - (ii) an aerial photograph of the entire tract, with wooded, untilled and non-tillable areas outlined; and
 - (iii) a scaled draft plan of the entire tract showing road and lot layout, lot and outlot areas, the rural estate road right-of-way (public) or outlot (private).
- (b) Discussion at this meeting shall include:
 - (i) completeness and accuracy of the above materials;
 - (ii) the rural estate subdivision and RE rezone timetable; and
 - (iii) additional checkpoint agencies to include at the sketch plan review meeting.

(3) **Official Submission Date.**

The deadline for submittal of a sketch plan and application shall be thirty (30) calendar days prior to the date of the public meeting at which the subdivider intends to have his RE rezone petition heard by the Commission.

(4) **Sketch Plan Application Requirements.**

After the pre-submission meeting, the subdivider shall file an Application for rural estate subdivision sketch plan review with the Commission's Staff. This application shall:

- (a) be made on forms available at the office of the Commission and signed by the owner(s);
- (b) include indication of all contiguous holdings of the owner including land in the same ownership, with an indication of the portion which is proposed to be subdivided, accompanied by information regarding ownership, which shall include the dates the respective holdings of land were acquired, together with the deed record of each conveyance to the present owner as recorded in the County Recorder's Office. This information shall advise as to the legal owner of the property, the contract owner of the property, optionee of the property, and the date contract of sale was executed. If any corporations are involved, the Commission's Staff may request a complete list of all directors, officers, and a listing of stockholders if less than ten (10) in number;
- (c) be accompanied by a minimum of three (3) copies of the sketch plan;
- (d) be accompanied by a fee of fifty dollars (\$50.00) plus five dollars (\$5.00) per lot in excess of four (4) lots;
- (e) include an address and telephone number of an agent located within the territory of the Commission who shall be authorized to receive all notices required by this ordinance; and
- (f) include a listing signed by the checkpoint agencies indicating that they have received a copy of the proposed sketch plan or a certification that it has been sent.

(5) **Checkpoint Submission.**

In order to fulfill this last application requirement, a copy of the proposed rural estate sketch plan shall be submitted to each of the agencies appropriate to the plan's location so that comment may be made to the Staff. The checkpoint agencies appropriate to each participating jurisdiction in which a plat may be located are listed in Figure 1. The Executive Director shall request that all officials and agencies to whom a request for review has been made, submit a written report to him within twelve (12) calendar days after receipt of the request. No response from an agency shall be interpreted as meaning "no objection".

(6) **Sketch Plan Review Process.**

Within twelve (12) calendar days of the subdivider's rural estate sketch plan application submittal, the Commission's Staff shall have studied the proposal, reviewed checkpoint reports received, and met with the subdivider to discuss pertinent aspects of the proposed subdivision and possible modifications and/or changes that may be suggested or required by this ordinance. The Executive Director shall request that a representative of each checkpoint agency wishing to be involved in a sketch plan review be present to participate in the sketch plan review meeting. In taking into consideration the requirements of this

ordinance, particular attention shall be given to the arrangement, location, and width of streets, their relation to the topography of the land, sewage disposal, drainage, lot size and arrangement, the further development of adjoining lands as yet unsubdivided, and the requirements of the Comprehensive Plan as adopted by the participating jurisdictions.

(7) **Revised Sketch Plan.**

If changes to the sketch plan are necessary to meet rural estate subdivision requirements, a revised sketch plan must be filed no less than twelve (12) calendar days prior to the Commission's hearing on the RE rezone petition.

(8) **Rural Estate Subdivision Preliminary Plat Procedure (Primary Approval).**

(a) **Submission Requirements.**

Following the submission and review of the sketch plan application and the Board of County Commissioner's approval of the RE rezone petition, the subdivider may file for primary approval of a preliminary plat. This submission shall:

- (i) be made on forms available at the office of the Commission;
- (ii) include indication of all land which the applicant proposes to subdivide and all land immediately adjacent extending one hundred (100) feet there from, or of that directly opposite thereto, extending one hundred (100) feet from the street frontage of such opposite land, with the names of the owners as shown in the Auditor's files;
- (iii) be presented to the Staff of the Commission no less than twenty-one (21) calendar days prior to the Area Plan Commission Executive Committee meeting at which it is intended to be heard;
- (iv) be accompanied by three (3) copies of the preliminary plat as described in this ordinance;
- (v) not deviate from the sketch plan as reviewed and/or revised with regard to the subdivision boundary and maximum number of lots; and
- (vi) include a listing signed by the checkpoint agencies indicating that they have received a copy of the preliminary plat or a certification that it has been sent.

(b) **Placement on the Executive Committee Agenda.**

Subsequent to the submission for primary approval, the Commission shall place the matter on its next Executive Committee meeting agenda for formal action.

(c) **Staff Review.**

Subsequent to placement on the agenda, and prior to the date of public hearing, the Commission's Staff shall review the proposal and prepare a written report to the Executive Committee and applicant indicating Staff's recommendation with regard to the subdivision being proposed.

(d) **Public Hearing Notification and Sign Posting Requirements.**

The Executive Committee shall hold a public hearing on the preliminary plat and notice of such hearing shall be in two local newspapers of general circulation ten (10) days prior to the hearing (per I.C. 5-3-1) at the applicant's expense. At the time of the public hearing, the applicant shall submit an affidavit stating that the applicant has placed posters advising interested parties of the hearing provided by the Staff of the Commission at the locations designated by the Staff on the proposed subdivision property at least ten (10) days prior to the public hearing and show proofs of publication that the notices of public hearing were published at least ten (10) days prior to the public hearing. Interested parties shall be notified by the applicant of the time, date, place, and purpose of the public hearing on the subdivision at least ten (10) days in advance of the hearing by certified mail. The applicant shall file with the Executive Committee at the time of the public hearing an affidavit so testifying.

(e) **Approval of the Preliminary Plat (Primary Approval).**

After the Executive Committee has held a hearing upon the preliminary plat, the Staff's report, checkpoint recommendations, and testimony and exhibits submitted at the public hearing, the applicant shall be advised of any required changes and/or additions. The Executive Committee shall at a public meeting, grant approval, or approval with conditions, or shall disapprove the preliminary plat. One (1) copy of the preliminary plat shall be returned to the applicant with the date of approval, approval with conditions, or disapproval and the reasons therefore accompanying the plat within five (5) days of the public hearing. Before the Executive Committee grants primary approval of a plat showing park reservation or land for other local government unit, the Commission shall obtain approval of the park or land reservation from the participating jurisdiction. Primary approval by the Executive Committee is subject to review by certiorari. Secondary approval of a subdivision cannot occur until a minimum of thirty (30) days has elapsed since the granting of primary approval, per I.C. 36-7-4-708 (d).

(f) **Field Trip.**

The Executive Committee, at its discretion, upon hearing the request for primary approval, may elect to continue the matter until its next regularly scheduled public meeting, and may schedule a field trip to the site of the proposed subdivision, accompanied by the applicant or his representative.

(g) **Effective Period of Primary Approval.**

Unless extended, the approval of a preliminary plat shall be effective for a period of five (5) years at the end of which time secondary approval on the entire subdivision must have been obtained and certified by the Designated Officials of the Commission. Any plats not receiving secondary approval within the period of time set forth herein shall be null and void, and the developer shall be required to resubmit a new application for sketch plan review subject to all the zoning restrictions and subdivision regulations and procedures in effect at the time of resubmission. Upon request of the applicant the Commission or Executive Committee may only extend the primary approval of a rural estate preliminary plat one time for a maximum of two (2) years beyond the original expiration date without further notice and public hearing.

(9) **Rural Estate Subdivision Construction Plans Procedure.**

(a) **Submission Procedure and Requirements.**

Following the review of the sketch plan the subdivider may submit draft construction plans for review by the County Highway Department and the County Surveyor/County Drainage Board. Following primary approval and prior to submission for secondary approval, the applicant, if he wishes to proceed with the subdivision, shall file with the Executive Director of the Commission, a minimum of five (5) sets of complete Construction Plans for approval. The subdivider can neither seek improvement location permits nor begin any development (including earth moving) activity until the Executive Director approves the Construction Plans. To be considered complete for submission, Construction Plans shall have already been:

- (i) approved and signed by the Director of the County Highway Department for plans with a public rural estate road, or certified by the subdivider's licensed professional engineer or registered land surveyor for plans with a private rural estate road; and
- (ii) approved and signed by the County Surveyor on behalf of the County Drainage Board; and
- (iii) comply with any applicable conditions of the primary approval.

(b) **Review Process.**

The Commission's Staff shall review a complete construction plan submission within 14 working days of its filing. If found to be in compliance, the Executive Director shall stamp the plans approved and distribute them to the subdivider, County Highway Department, and County Surveyor. In no event shall construction plans be approved prior to primary approval, nor shall secondary approval be given prior to approval of construction plans.

(c) **Installation of Improvements.**

The installation of public improvements shall be inspected by the appropriate participating jurisdiction(s). Such inspections are required in all instances regardless of whether the work is performed before or after secondary approval. Failure to request inspection of work performed after the date of this ordinance and before secondary approval may be cause for denial of secondary approval.

The installation of required private improvements shall be certified as complying with the approved construction plans by the subdivider's licensed professional engineer or registered land surveyor.

(10) **Rural Estate Subdivision Final Plat Procedure (Secondary Approval).**

(a) **Submission Requirements.**

Following primary approval and approval of construction plans, the applicant, if he wishes to proceed with the subdivision, shall file with the Executive Director of the Commission a request for secondary approval of a subdivision plat. The application shall:

- (i) be submitted on forms available at the office of the Commission;
- (ii) include the entire subdivision;
- (iii) be accompanied by ten (10) paper prints and three (3) mylar reproducible prints of the final subdivision plat as described in this ordinance;
- (iv) totally comply with the ordinance and the terms and conditions of primary approval;
- (v) be accompanied by the performance bond, if permitted, in a form satisfactory to the Commission Attorney and in an amount established by the Commission upon recommendation of the participating jurisdiction and shall guarantee the completion of all required subdivision and off-site public improvements; and
- (vi) be accompanied by restrictive covenants in a form approved by the Commission, where proposed by the subdivider or required by the Executive Committee.

(b) **Determination of Conformance (Secondary Approval).**

In order to be recorded, a final subdivision plat shall be found to be in conformance with the primary approval either by the Staff, or by the Executive Committee at a public meeting. If the final subdivision plat deviates from the preliminary plat that received primary approval, the subdivision shall be

resubmitted to the Executive Committee at a public meeting for a new primary approval. The subdivider submitting a final plat conforming to the primary approval shall choose as to whether this review is performed by the Staff, or by the Executive Committee at a public meeting.

- (i) Should the subdivider not choose Executive Committee review, the Staff shall within ten (10) working days, review the items submitted as per Section 3.6(9)(a) in order to ascertain conformance with the primary approval. If the submission is found to be in conformance and complete, the Staff shall recommend the signing of the certificate granting secondary approval.
- (ii) Should the subdivider choose Executive Committee review, the Executive Committee shall perform the same function but at a public meeting. The subdivider shall request in writing Executive Committee review no less than thirty (30) calendar days prior to the date of the public meeting at which he intends to have his final plat reviewed. The Commission shall place the matter on the next available Executive Committee meeting agenda.

Staff shall review the proposal and submit a written report and recommendations to the Executive Committee and the applicant; and the Executive Committee, at the public meeting shall approve or disapprove the final plat. If granted secondary approval it shall be signed by the Designated Officials. If not granted secondary approval then the subdivider shall be informed as to the insufficiency of his submittal.

(c) **Sectionalizing Plats.**

Sectionalizing rural estate subdivision plats shall not be permitted. All lots granted primary approval on the rural estate subdivision preliminary plat shall be included on the final plat for secondary approval.

(11) **Signing and Recording a Plat.**

(a) **Signing of a Plat.**

- (i) When a bond is permitted, the Designated Officials shall endorse secondary approval on the plat by signing the certificate after the bond has been filed, and all conditions of the primary approval have been satisfied.
- (ii) When installation of improvements is required the Designated Officials shall endorse secondary approval on the plat by signing the certificate after all conditions of the primary approval have been satisfied and all improvements satisfactorily completed. There shall be written evidence that the required public facilities have been installed in a manner satisfactory to the participating jurisdiction as shown by a certificate signed by the County Commissioners or County Drainage Board that the necessary improvements have been accomplished.

(b) **Assurance to Subdivider.**

If the subdivider elects to install all improvements before he applies for secondary approval and it is shown that the conditions of the ordinance have been met, and if the final plat completely conforms to the primary approval, the Commission shall grant secondary approval.

(c) **Recording of Plat.**

- (i) The Designated Officials shall sign the certificate granting secondary approval on each paper print and mylar print.
- (ii) It shall be the responsibility of the subdivider in the presence of the Executive Director or his designee to file the plat with the County Recorder within thirty (30) days of the date of signature.
- (iii) After recording, one paper print and one mylar print shall be retained in the office of the Commission. At least one paper print and two mylar prints shall be returned to the subdivider and his engineer or surveyor. The Staff of the Commission shall distribute the remaining paper prints to the appropriate agencies.

Section 9. Change parts (a) and the first sentences of parts (b) through (d) of subsection (2), PERFORMANCE BONDS, of 4.1, IMPROVEMENTS AND PERFORMANCE BOND, of SECTION 4, ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS, to read:

(2) **Performance Bond.**

- (a) The Commission in its discretion may waive the requirement that the applicant complete all public improvements prior to the submission of the final subdivision plat, and that, in lieu thereof, the applicant shall post bond securable to Tippecanoe County, hereinafter referred to as performance bond, in an amount equivalent to one hundred percent (100%) of the estimated cost of completion of the required public improvements, which shall be sufficient to secure to the participating jurisdiction the satisfactory construction and installation of the uncompleted portion of required public improvements, as provided for in Sections 3.3(7)(a)(i), 3.4(8)(a)(i), and 3.6(10)(a)(i) of this ordinance.

- (b) That in lieu of such a bond the developer may submit a certified check made payable to Tippecanoe County in an amount equivalent to one hundred percent (100%) of the estimated cost of completion of the uncompleted portion of required public improvements as provided for in Sections 3.3(7)(a)(i), 3.4(8)(a)(i), and 3.6(10)(a)(i) of this ordinance.
- (c) That in lieu of such a bond the developer may submit irrevocable letters of credit in behalf of the developer and securable by Tippecanoe County in an amount equivalent to one hundred percent (100%) of the estimated cost of completion of the uncompleted portion of required public improvements as provided for in Sections 3.3(7)(a)(i), 3.4(8)(a)(i), and 3.6(10)(a)(i) of this ordinance.
- (d) That in lieu of such a bond the subdivider may submit a certificate of deposit made out to either Tippecanoe County and/or the developer, to be held by the County Auditor and in an amount equivalent to one hundred percent (100%) of the cost of completion of the uncompleted portion of required public improvements as provided for in Sections 3.3(7)(a)(i), 3.4(8)(a)(i), and 3.6(10)(a)(i) of this ordinance.

Section 10. Change the first sentence of part (a) of subsection (1), GENERAL PROCEDURE, of 4.2, INSPECTION OF PUBLIC IMPROVEMENTS, of SECTION 4, ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS, to read:

- (a) If the participating jurisdiction finds upon inspection per Sections 3.3(7)(a)(ii), 3.4(8)(a)(ii), and 3.6(10)(a)(ii) that any of the improvements have not been constructed in accordance with the approved construction plans, the applicant shall be responsible for completing the public improvements according to such plans.

Section 11. Change the first sentence of part (a), of subsection (1), GENERAL IMPROVEMENTS, of 5.3, ROADS, of SECTION 5, REQUIREMENTS FOR IMPROVEMENTS, RESERVATION AND DESIGN, to read:

- (a) **Frontage on Improved Roads.**
Except for rural estate subdivisions, no subdivision shall be approved unless the area to be subdivided shall have frontage on and access from an existing street on the Official Map, or if there be no Official Map, unless such street is:

Section 12. Change **TABLE 1: DESIGN STANDARDS FOR ROADS**, of part (a), GENERAL, of subsection (2), DESIGN STANDARDS, of 5.3 ROADS, of SECTION 5, REQUIREMENTS FOR IMPROVEMENTS, RESERVATION AND DESIGN, and add to it FOOTNOTES 7 and 8, to read:

Section 13. Change subsection (3), REFERRAL TO PUBLIC BODY, of 5.9, PARKS, PLAYGROUNDS, RECREATION AREAS AND OTHER COMMUNITY FACILITIES, of SECTION 5, REQUIREMENTS FOR IMPROVEMENTS, RESERVATION AND DESIGN, to read:

- (3) **Referral to Public Body.**
The sketch plan shall be referred to the public body concerned with the reservation for its consideration and report as per Sections 3.2(2) and 3.6(4)” of this ordinance.

Section 14. Add 5.13, RURAL ESTATE SUBDIVISIONS, to SECTION 5, REQUIREMENTS FOR IMPROVEMENTS, RESERVATION AND DESIGN, to read:

5.13 Rural Estate Subdivisions

- (1) **General.**
The rural estate subdivision is unique in that it is the only classification of subdivision permitted in the RE (Rural Estate) zone and shall meet specific standards different from other subdivisions. For that reason the application procedures and approval processes in Section 3 have been separated from the major and minor subdivision sections. However, in Sections 4 and 5 many requirements apply to all subdivisions, including rural estate. The differences are noted throughout these sections for the three subdivision classifications. To better unify the rural estate subdivision and zoning processes, the following standards are the same as those found in the Unified Zoning Ordinance for Rural Estate Zones.
- (2) **Standards.**
To ensure limited and appropriate levels of residential development in some rural areas in unincorporated Tippecanoe County, without jeopardizing productive farmland and the way of life associated with farming, the following parameters shall be incorporated into any submission seeking approval of a rural estate subdivision:
 - (a) Proposed RE-zoned sites, or FP-zoned portions of rural estate subdivisions shall be located no closer than ½-mile, measured radially, from the nearest sanitary sewer having unused capacity, or closer if impeded physically, by a stream or ravine or similar barrier.
 - (b) Subdivider shall demonstrate that more than 50% of the acreage in the rural estate subdivision request is either:
 - (i) wooded and untilled,

- (ii) non-tillable, or
 - (iii) not mechanically harvested for at least 3 of the 5 years between 1997 and 2001, or a combination of any 2 or 3 of the 3 above conditions equaling more than 50%, part of which may be zoned FP. Subdivider shall supply evidence of this percentage in the form of current and past aerial photography available from the Soil and Water Conservation District.
- (c) 12 single-family residential lots shall be the maximum proposed for any rural estate subdivision.
- (d) Lots created through RE zoning and simultaneous rural estate subdivision, shall be a minimum of 1 acre of either RE-zoned land, or 1 acre of RE-and FP-zoned land of which at least 30,000 sq. ft. is zoned RE, exclusive of any outlot containing drainage easements and/or rural estate roads, and exclusive of any public street right-of-way, within a maximum zone density of no more than 1 dwelling unit per 2 acres within the rural estate subdivision.
- (e) Each lot shall be accessed only from a rural estate road within the proposed RE-zoned site. Subdivider shall demonstrate that any rural estate road would be sited to minimize damage to existing trees and topography.
- (f) A rural estate road shall be built to the specific standards found in Section 5.3 above and below in 5.13(2)(g) and 5.13(2)(h).
- (g) If it is to be held privately by a homeowners' association, the rural estate road shall:
 - (i) have a minimum 20' pavement width, within a minimum 52'-wide outlot;
 - (ii) have either two 4' or wider grassed shoulders or curb and gutter alongside the pavement;
 - (iii) if shoulders, have side ditches with a maximum 3:1 slope;
 - (iv) when required by the County Drainage Board, have additional easements platted beyond the edge of the outlot; and
 - (v) should it be a cul-de-sac, end in a turnaround. If looped, this turnaround shall have a minimum 20' pavement width, surrounded by a 4' or wider grassed shoulder and side ditches or curb and gutter; if no curb and gutter, have side ditches with a maximum 3:1 slope, all situated in an outlot having a minimum 80' diameter. Should the rural estate road end in a hammerhead, each side shall conform to 5.13(2)(g)(i) through 5.13(2)(g)(iv) above.

All cross section design standards shall be certified by subdivider's Registered Land Surveyor or Professional Engineer as complying with private rural estate road standards. A private rural estate road may, on a case-by-case basis, be dedicated and may be accepted for public maintenance at any time if it has been built or subsequently rebuilt to County Highway Department standards current at the time of the request.
- (h) If it is to be a public street dedicated and accepted for public maintenance, the rural estate road shall:
 - (i) conform to all subdivision road standards as per Section 5.3 above; or
 - (ii) conform to the following public rural estate road standards:
 - (A) a rural cross-section in a dedicated 52' minimum right-of-way, with 20' of pavement, 4' grassed shoulders, and a drainage easement configured with 3:1 maximum side slopes with a 2' minimum ditch depth; and
 - (B) an appropriate rural cross-section cul-de-sac, subject to County Highway Department standards.
- (i) Water supply shall be by individual well or a central water supply.
- (j) Sanitary effluent shall be handled either by individual or clustered sewage disposal system, approved by the County Health Department through the rural estate subdivision process.
- (k) The County Drainage Board shall enforce all aspects of drainage, including side ditches if situated within a privately held outlot. However, the County Highway Department shall enforce side ditches in dedicated right-of-way.
- (l) A homeowners' association shall be created and appropriate documents recorded at the time of final plat recording. The association shall be responsible for maintaining any outlot, private rural estate road, common area, and improvement for common usage, and for implementing any approved stormwater management, landscape and erosion control plans. Deeds transferring outlots and common areas to the homeowners' association shall be recorded at the time of final plat recording.

Section 15. This ordinance shall be in full force and effect from and after its passage.

Adopted And Passed by the Board Of Commissioners of Tippecanoe County, Indiana, this 1st day of July, 2002.

VOTE:

Yes

John L. Knochel, President

Yes

KD Benson, Vice President

Yes

Ruth E. Shedd, Member

ATTEST:

Robert A. Plantenga, Auditor